

Reform of planning committees: technical consultation

Question 1: Do you agree with the principle of having a two tier structure for the national scheme of delegation?

Yes – we already have a similar 2-tier system so not a significant change for this authority.

Question 2: Do you agree the following application types should fall within Tier A?

- applications for planning permission for:
- Householder development
- Minor commercial development
- Minor residential development
- applications for reserved matter approvals
- applications for non-material amendments to planning permissions
- applications for the approval of conditions including Schedule 5 mineral planning conditions
- applications for approval of the BNG Plan
- applications for approval of prior approval (for permitted development rights)
- applications for lawful development certificates
- applications for a Certificate of Appropriate Alternative Development

No to all Reserved Matters falling within Tier A.

For Reserved matters relating to Tier B applications these should also be in Tier B.

Question 3: Do you think, further to the working paper on revising development thresholds, we should consider including some applications for medium residential development (10-50 dwellings) within Tier A? If so, what types of application?

No views either way, subject to any change not adding further complexities to the system with the associated delays which this might bring.

Question 4: Are there further types of application which should fall within Tier A?

Local Authority applications other than major applications. Major Local Authority applications remain Tier B. To do otherwise may cause unnecessary delays to the operations of the Council in respect of smaller uncontentious schemes. Under a Gateway provision, as discussed, they could be called to Committee if it is considered that they might have a wider public interest or environmental impact.

Question 5: Do you think there should be a mechanism to bring a Tier A application to committee in exceptional circumstances? If so, what would those circumstances be and how would the mechanism operate?

Yes – there must be the ability for applications to be brought before Committee in exceptional cases where it is considered that there is a wider public interest, environmental Impact or policy implication to be considered. This could be through a Gateway process where there would need to be agreement between the Head of Planning and the Chair of the Planning Committee to bring a Tier 1 item to committee.

Question 6: Do you think the gateway test which requires agreement between the chief planner and the chair of the planning committee is suitable? If not, what other mechanism would you suggest?

See answer to Q.5 above

Question 7: Do you agree that the following types of application should fall within Tier B?

a) Applications for planning permission aside from:

- Householder applications
- Minor commercial applications
- Minor residential development applications

b) notwithstanding a), any application for planning permission where the applicant is the local authority, a councillor or officer

c) applications for s73 applications to vary conditions/s73B applications to vary permissions

Agree, other than non-major Local Authority applications as per response to Q.4

Question 8: Are there further types of application which should fall within Tier B?

No

Question 9: Do you consider that special control applications should be included in:

- Tier A or
- Tier B?

Tier A as these are technical applications

Question 10: Do you think that all section 106 decisions should follow the treatment of the associated planning applications? For section 106 decisions not linked to a planning application should they be in Tier A or Tier B, or treated in some other way?

Agree, all section 106 decisions should follow the treatment of the associated planning applications.

In terms of unlinked S106, these should be in Tier A due to their technical and legal nature as a starting point but could be considered by committee through a gateway process if necessary.

Question 11: Do you think that enforcement decisions should be in Tier A or Tier B, or treated in some other way?

Tier A

Question 12: Do you agree that the regulations should set a maximum for planning committees of 11 members?

Yes

Question 13: If you do not agree, what if any alternative size restrictions should be placed on committees?

N/A

Question 14: Do you think the regulations should additionally set a minimum size requirement?

Yes

Question 15: Do you agree that certification of planning committee members, and of other relevant decisions makers, should be administered at a national level?

Yes, subject to details how that training is delivered and by whom.

Question 16: Do you think we should consider reviewing the thresholds for quality of decision making in the performance regime to ensure the highest standards of decision making are maintained?

No, it works as LPAs are having regard to the threshold and actively managing the issue of quality through training

Question 17: For quality of decision making the current threshold is 10% for major and non-major applications. We are proposing that in the future the threshold could be lowered to 5% for both. Do you agree?

No, 5% is too low and would capture too many authorities which could not all be placed under Special Measures due to resourcing issues this would deliver to PINs. As a consequence, that upper threshold of 5% then changes from a target to an advisory which defeats the object of having the KPI in place.

Question 18: Do you have any views on the implications of the proposals in this consultation for you, or the group or business you represent, and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how.

None

Question 19: Is there anything that could be done to mitigate any impact identified?

No

Question 20: Do you have any views on the implications of these proposals for the considerations of the 5 environmental principles identified in the Environment Act 2021?

None